

**IT IS THE RESPONSIBILITY OF COUNSEL TO READ THIS ENTIRE NOTICE**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Dana O’Neal,

Plaintiff(s),

vs

Case No: 22-10470

Honorable Victoria A. Roberts

52<sup>nd</sup> District Court of Michigan, et al.,

Defendant(s).

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**NOTICE OF:**

**(1) FRCP 16(b) STATUS AND SCHEDULING CONFERENCE, AND  
(2) DEADLINE TO EXCHANGE FRCP 26(a)(1) INITIAL DISCLOSURES**

Counsel are encouraged to familiarize themselves with the most recent amendments to the Federal Rules of Civil Procedure.

If the parties have not already done so, you are directed to meet face-to-face, by telephone, or by more sophisticated electronic means, to prepare a joint proposed discovery plan in accordance with FRCP 26(f). The proposed discovery plan must be double spaced.

The parties are allowed to serve a FRCP 34 document production request prior to the Rule 26(f) meeting; the date of service can be calculated as the date of the first 26(f) meeting. However, any Rule 34 requests served prior to the parties’ first Rule 26(f) conference are due within 30 days after the first Rule 26(f) conference. (FRCP 34) (FRCP 26(d)(2))

Please consult FRCP 34 for complete requirements on producing documents, Electronically Stored Information, and Tangible Things, or Entering onto Land for

Inspection and Other Purposes.

Any party's failure to comply with this section may result in the imposition of sanctions.

**FOURTEEN (14) DAYS BEFORE THE CONFERENCE:**

(1) The Rule 26(f) plan must be electronically filed, and

(2) FRCP 26(a)(1) Initial Disclosures must be exchanged. If they have not been exchanged fully by the time the proposed plan is filed, state whether any party believes any of the initial disclosure requirements under FRCP26(a)(1) are not appropriate, and the basis for the objection. The parties shall not use their failure to promptly hold a Rule 26(f) meeting, or the Court's failure to promptly schedule a Rule 16 conference, as the basis for not making disclosures required under Rule 26(a)(1).

In addition to the requirements set forth in Rule 26(f), your proposed plan must address:

- The background of the action, and the principal factual and legal issues, including the nature of and basis for all claims and defenses. Please provide sufficient information so that the Court does not have to refer to the pleadings;
- Proposed amendments to the pleadings;
- Admissions of facts and stipulations to the authenticity of certain documents;
- Whom you propose to depose, whether you propose to depose more than ten (10) witnesses, and whether you expect any deposition to last longer than one (1) day of seven (7) hours;
- Whether you seek leave to serve in excess of twenty-five (25) interrogatories, including sub-parts;
- Areas which may require expert testimony;

- Any issues (including procedures and protocols) relating to disclosure or discovery of electronically stored information, including the form or forms in which it should be produced;
- Any issue relating to preserving discoverable information or electronically stored information;
- Privilege claims or protection of trial-preparation materials; if the parties agree on a procedure to assert these claims after production, please describe and say whether you would want any agreements reached placed in an order under Rule 502 of the Federal Rules of Evidence;
- Outstanding or anticipated discovery disputes, and the basis you have for any objection;
- An appropriate management plan, including a recommended discovery cut-off date;
- Each side's view of what it would take to resolve this matter;
- Whether either side plans on filing motions in the near future and - if so - explain; and
- Other appropriate matters.

Failure to participate in any part of what this Notice requires, must be brought to the attention of the Court immediately by the opposing party. Any failure could result in the imposition of sanctions, including dismissal or default judgment.

**YOU ARE NOTIFIED TO APPEAR BEFORE JUDGE ROBERTS' VIA ZOOM ON: February 16, 2023 at 11:30** for the Status and Scheduling Conference.

This conference will be held even if you file a Rule 26(f) plan.

Only counsel familiar with the case should appear to represent a party.

Counsel should be prepared to:

- A. Identify and narrow issues;
- B. Discuss pleading amendments;
- C. Discuss settlement;
- D. Discuss control of discovery;
- E. Identify issues which may appropriately be resolved by motion;  
and
- F. Estimate trial length.

Parties must bring their calendars to schedule future dates.

s/ Linda Vertriest  
Linda Vertriest, Case Manager  
United States District Court  
231 West Lafayette, Room 525  
Detroit, MI 48226  
(313) 234-5230

Dated: January 18, 2023

**IT IS THE RESPONSIBILITY OF PLAINTIFF TO NOTIFY ALL  
COUNSEL KNOWN AND NOT LISTED BELOW OF THIS STATUS AND  
SCHEDULING CONFERENCE.**

The court does not grant adjournments of Status and Scheduling Conferences because trial counsel is not available. Substitute counsel must appear who is knowledgeable about the case and who can meaningfully discuss the issues outlined above. In rare instances, requests for trial counsel to hold this conference by telephone will be granted.

(Revised 8/2019)